

**BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON  
BOARD MEETING MINUTES  
August 8, 2005**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, August 8, 2005; at 10:00 a.m. **COMMISSIONERS DENNIS HADALLER and ERIC JOHNSON** were in attendance. The meeting was called to order by **CHAIRMAN HADALLER** who determined a quorum and proceeded with the flag salute. **COMMISSIONER JOHNSON** moved to approve the minutes from the meeting held on Monday, August 1, 2005. **COMMISSIONER HADALLER** seconded. Motion carried.

**PUBLIC COMMENT:**

No one signed up to speak

Mark Cook, Public Works Director asked to add Res. 05-236 to the agenda. **COMM. JOHNSON** suggested that we take that item separately and would like to change the wording to restrict burning, rather implement a burn ban. **COMM HADALLER** stated we would vote on that item separately.

**COMMISSIONER HADALLER** asked if anyone was in attendance about Newaukum Division III. Mr. Hinkle appeared and spoke about the number of lots that were in the original preliminary plat. They are currently working to complete the project. He has paid for the water, sewer connections and installed sewer hook-ups. The whole project has storm water in, is sub graded and to the completed to the base road. He currently has six trucks hauling today. Mr. Hinkle stated that he has not made the covenants yet, and will make them as he sees fit for Phase 3. He is not selling lots to individual people; rather he is selling a lot and he will build stick built homes. Mr. Hinkle stated that it will remain a nice community.

**COMMISSIONER JOHNSON** moved to approve items 1-6, making corrections to Res. 05-236 and would like the word “restriction” substituted for the word, “ban”. The changes were agreed to and the motion was seconded by **COMMISSIONER HADALLER**.

**CONSENT:**

- 1. **Resolution #05-229 Approving a time extension for final plat approval for the Preliminary Plat Application known as Newaukum Division III, submitted by John Hinkle.**
- 2. **Resolution #05-230 Approving an interlocal agreement between Lewis County and the City of Mossyrock to chip seal Mossyrock Avenue at an estimated cost of \$10,185.00.**
- 3. **Resolution #05-231 Approving a Memorandum of Understanding between Lewis County, the City of Chehalis, the Centralia-Chehalis Chamber of Commerce and the Washington State Department of Transportation for public education and information outreach for Chamber Way Improvements.**
- 4. **Resolution #05-232 Approving an agreement for liability between Lewis County and the Saint Urban Settlement Foundation.**
- 5. **Resolution #05-233 Appointing Marilyn Gallagher and Judy Baskett to the Timberland Regional Support Network Advisory Board.**

The Motion passed 2-0. **COMMISSIONER HADALLER** recessed the meeting until 10:30 a.m. on Monday, August 08, 2005,

**BOCC MEETING CONT.:**

**COMM. HADALLER** called the meeting back to order at 10:30 a.m. All three board members were present. The first item of business was the Franchise request by Cardinal Glass for a gas pipeline along county right of way.

Mark Cook explained the request for the pipeline easement and along Antrim and Hawkins Road. The notice has been published twice. Mr. Cook stated that it is the County’s job to find

an appropriate location to meet Cardinal's request. They will be installing the line on the north Lane of Antrim Road. The franchise is for 5 years and then also an allowance for an additional 15 year extension.

**COMM. HADALLER** asked about alternate routes in case of emergency. In the event of a gas leak, Mark Cook reported that Cardinal has the proper insurance and in case of an emergency, residents could leave the area via Hawkins Road.

**COMM. GRAHAM** proposed the franchise lease for 15 years and then renewable for 15 years, rather than 5 years. He believes that 5 years is too short of a time.

**COMM JOHNSON** asked if there are any statutory limitations with regarding to franchises. Doug Jensen said 50 years is the limit in the law and explained how the county has handled franchises in the past. **COMM JOHNSON** asked if we could charge for the franchise. Doug Jensen stated that Lewis County treats these matters like a license. A question was asked what is the status of the pipeline under I-5. The WSDOT is the permitting agencies for that and Andrew Lane spoke to this issue.

There was a brief update by Andrew Lane, representing Cardinal. He spoke about the issue of the WSDOT. He stated they have their applications turned in to WSDOT and it is a simple process. After Andrew Lane spoke, Mark Cook assured the Board that the County would make sure all necessary permits would be obtained from the State before construction would be stated.

**COMM HADALLER** asked about improvements to Antrim Road in six year road plan. **COMM HADALLER** asked if there were any questions of staff from the audience. A 3 minutes recess was taken to allow people to sign up to speak at the hearing. Mark Cook repeated his brief report regarding the Cardinal FG Company application and stated that they had completed the application for the franchise.

Eugene Butler had only 2 small points to make. He asked if this franchise crosses any lands that are in invalidity. He stated that the Commission should not consider a 15 year if they haven't given notice.

Doug Jensen reported that the pipeline is on road right of way and that public roads are exempted. He also stated at the hearing the Board can set the timeline for the franchise. **COMM. GRAHAM** stated that he was able to review the agreement late Friday and is in favor of the 15 years.

Andrew Lane, speaking for Cardinal, stated that it would be up to 15 years before the plant shuts down, for the first maintenance. The 15 years Franchise makes since to Cardinal.

Bill Lotto testified that he has worked with Cardinal for over 10 years. He supports the 15 years for the franchise. This provides certainty and consistency with other franchise the county has entered into.

Jeri King asked about the stability of the earth. She is concern there may be small earthquakes and if the pipeline were to explode, she is curious the safety of the pipeline.

Mark Cook state he is aware of the standards by DOE and has looked into hazardous areas of record in Lewis County. He is certain that their design will meet and comply with safety standards in place. This a relatively flat area where the pipeline is being installed and there is no chance of sliding.

**COMMISSIONER GRAHAM** moved to approve Res. No. 05-234 for a natural gas pipeline franchise for 15 years and additional 15 years extension. **COMM JOHNSON** seconded the motion. **COMM. HADALLER** called for the question; motion carried 3-0.

**COMM HADALLER** opened the hearing for Cardinal FGA application for franchise for a water pipeline. Mark Cook gave staff report and stated that the line will run from the Winlock City

Limits, north to Sargeant Road, and also on Hawkins and Antrim Roads, along the right of way. Lewis County Public Works believes that placement in the North bound lane on the east side is the best place for the water line. This will minimize the amount of work, which will include patching the road this year and overlaying next year. Once Cardinal has completed the installation of the water line to City of Winlock standards, they will transfer it to the City.

**COMM. JOHNSON** asked about road closures. Mark Cook answered that rolling lane closures will happen while installation is going on. A question was asked about what action would happen if the City could not provide service. It was noted that a letter was received from Mayor of Winlock regarding the City's agreement with Cardinal.

**COMM HADALLER** asked about the number of flaggers for the project. Mark Cook will actively manage that part of the project. **COMM. GRAHAM** asked if Lewis County will have an inspector. Mark reported that the County will not have a full-time staff but there will be a full time member there from the City of Winlock.

**COMM HADALLER** asked for questions from the audience. Jeri King stated she had lived there for quite a few years and that she would not want it to be an official county road. She has been working with County and concerned about protection of her wells; and the franchise of a undeveloped county easement. She likes living in the county but is worried about long term franchise being looked as a development potential.

Doug Jensen stated that the franchise did not provide for hook-ups without county approval. **COMM. JOHNSON** mentioned the major industrial development and being able to protect rural development. All signs from the City of Winlock for further development point east I-5 and the freeway, not north. There was a short recess to allow time for those to sign up for the hearing.

Mark Cook gave brief report about the water franchise on the Antrim and Hawkins Road. The waterline will be constructed by Cardinal with long term maintenance by Cardinal.

Jeri King spoke about the waterline proposal. She wants to know who is giving protection to the property owners for their wells and wants to make sure that we don't take away property owners rights. She feels that they may start digging and cutting trees land and that there are other things to look at. We need to look at how it effects the people living there. She appreciates the fact that Mark Cook and Tim Auth have talked with her.

Andrew Lane spoke about initial term for the franchise and would like to see a 15 year term. Cardinal has an agreement with Winlock that states the City of Winlock will accept the water services agreement and Cardinal will turn over all of the pipeline to the City upon completion. Mr. Lane believes he has sent Doug Jensen a copy of that agreement. It is signed and it is a done deal.

Bill Lotto commented about Cardinal FG and he would encourage the 15 year term.

Gabrielle Morris spoke about adding to Ms. King's comments about having private property rights protected. She believes that personal property rights in an industrial development area means very little. There is very little done to protect existing taxpayers rights. She wants to know how you can protect the rural character when you have a 925 acre industrial park site nearby?

Sue Kyle spoke about her concerns over the Cardinal issue. She has agricultural concerns and would like to see time spent finding water for ag resources as well as industry. She feels this is opening door for other industries to come in and she is not happy that Cardinal is here. She is concerned about turning this into an industrial area. She has concerns about Olequa Creek at the beginning of her property.

**COMM. JOHNSON** made some comments about "Section 8 (c) for 15 years and 15 year extension and Section 12 (B) "company and/or city ."

Doug Jensen commented that the City of Winlock is still obligated to follow the Franchise and Lewis County rights and responsibilities remain the same.

**COMMISSIONER JOHNSON** moved to approve Resolution #05-235. **COMMISSIONER GRAHAM** seconded. Motion carried 3-0.

The Board of County Commissioners recess until 1:30 p.m. to discuss LCC 17.20 1179 (J).

**COMM. HADALLER** called the meeting back to order at 1:30 p.m. He stated that the public hearing will be broken into 3 parts - staff presentation, question and answer and at that time, the public may ask questions. We will limit testimony to 3 minutes, and those speaking must state their name and address. There will be a short recess for those wishing to sign up to testify and **COMM. HADALLER** asked for respect for staff members while they are speaking.

Doug Jensen spoke about Ordinance 1179J. He showed the findings from the two items up on the screen. The Growth Hearings Board found that in both the Vinatieri and Roth applications, Lewis County was not compliant. There was no showing that the counties consulted with cities nor did the county change their public participation approach. Lewis County had to go back and consult with the cities. Lewis County also failed to provide for early and continuous public participation process.

The Planning Commission held a hearing on the matter to discuss the various options. The best course action appeared to combine the regulations into one code. Each would be codified separately. They would integrate a public participation process to provide early and continuous public participation.

It was more of a housekeeping issue and now we have adopted a structured process. Now we need to rescind Res. No. 04-251, which is unnecessary. Ordinance #1179J is latest draft and it recommended that we then adopt the recommendations of planning commission. Once that is adopted, then we will adopt 05-237 as a housekeeping measure which rescinds Res. No. 04-251.

**COMM JOHNSON** asked about the invalidity orders. Will those be included in the 60 day review? **CHAIRMAN HADALLER** asked for questions. There were none. He closed the question and answer period and asked for those wishing to testify to sign up.

Doug Jensen gave a brief overview of why we were adopting Ordinance 1179J. By this action we will also accept the findings of the Planning Commission of 17.20 of the County Code. **COMM HADALLER** called on Eugene Butler. Earlier, he handed in his comments to the Board. He states these are three elaborate processes. One is for the fully contained community, which is actually growth outside the UGA. Another issue is major industrial development and the other issue is Master Planned Resorts. He wants the public to be fully informed. He stated that the Growth Hearings Board is concerned public participation. He urged the Board to consider his memorandum.

Bill Lotto spoke about the community needs assessment. He had recently listened to a presentation on the Lewis County Community Needs Assessment. Much of the consultant work that we have done is linked to capital industries. Lewis County has a unique opportunity to work with companies to support this project.

**COMM. HADALLER** closed the public testimony. **COMM. JOHNSON** asked Doug to put a previous slide on the screen. He stated that we are in compliance with public participation in other areas. This change will be added to what we are already doing. The joint process was appealed but we were found in compliance, but in public participation we were not.

**COMM. GRAHAM** moved to approve Ordinance 1179J with Attachment A and the motion was seconded by **COMM. JOHNSON**. **COMM. HADALLER** called for the question. Motion carried 3-0.

**COMM. GRAHAM** moved to approve Res. No. 05-237, which repeals Res. No. 04-251. Once Ordinance 1179 J was passed, Res. 04-251 does not fit into the current procedures. **COMM. JOHNSON** seconded the motion. Motion carried 3-0.

There being no further business, the Commissioners’ public meeting was adjourned at 2:00 p.m.. on Monday, August 8, 2005. The next public meeting will be held on Monday, August 15, 2005.

Please note that minutes from the Board of County Commissioners’ meetings are not verbatim. A tape of the meeting may be purchased at the Commissioners’ office.

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**ATTEST:**

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Dennis Hadaller, Chairman of the Board

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Karisa Duffey, Clerk of the Board  
Lewis County Commissioners

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Richard Graham, Commissioner

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Eric Johnson, Commissioner